

AMENDED IN SENATE JUNE 26, 2006

AMENDED IN ASSEMBLY MAY 3, 2006

AMENDED IN ASSEMBLY APRIL 19, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2825

Introduced by Assembly Member Ruskin

February 24, 2006

An act to amend Section 17213 of the Education Code, ~~to amend Section 65302 of the Government Code, and to amend Sections~~ *and to amend Sections* 21151.2 and 21151.8 of the Public Resources Code, relating to schoolsites.

LEGISLATIVE COUNSEL'S DIGEST

AB 2825, as amended, Ruskin. Schoolsites: hazardous emissions and substances: environmental impact.

(1) Existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976, provides bond funds for the construction, reconstruction, modernization, and replacement of school facilities and the performance of deferred maintenance activities on school facilities. Existing law prohibits the approval by the governing board of a school district of the acquisition of a schoolsite by a school district unless prescribed conditions relating to hazardous air emissions or hazardous or acutely hazardous materials, substances, or waste are satisfied, including the identification of specified facilities within that district's authority and the making of specified written findings regarding the health risks from the facilities, corrective measures, potential mitigation measures, or a severe shortage of sites.

This bill would revise those provisions to additionally require the identification of both existing and proposed facilities, *as defined*, that emit hazardous air emissions or handle extremely hazardous substances, hazardous substances, or hazardous waste within that school district's authority, thereby imposing a state-mandated local program by imposing new duties upon school districts. *The bill would require an administering agency, city, county, air pollution control district, or air quality management district that receives a specified notification from a lead agency to provide requested information regarding existing and proposed facilities.*

(2) The existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law requires the governing board of each school district, before acquiring title to property or for an addition to a present schoolsite, to give the planning commission with jurisdiction notice, in writing regarding the proposed acquisition. Existing law requires the planning commission to investigate the proposed site and submit a written report to the school district of its investigation and recommendations regarding the acquisition of the site. A governing board is prohibited from acquiring title until 30 days after the report is received, if the report does not favor the acquisition of the property.

This bill would require the planning commission report to contain any information included in an environmental impact report or negative declaration as required by those provisions of law. ~~The bill would require the governing board of the school district to provide an explanation for the site acquisition in writing to the commission, if the report does not favor the acquisition and the governing board intends to proceed with the site acquisition, and would prohibit the district acquiring a title to the property until 30 days after that response has been sent to the commission.~~ The bill would impose a state-mandated local program by imposing new duties upon the governing board of a school district and a planning commission with regard to the acquisition of schoolsites.

The bill would also make conforming changes to CEQA with regard to the approval of an environmental impact report or negative declaration for any project involving the purchase of a schoolsite or

the construction of a new elementary or secondary school by a school district *with regard to existing and proposed facilities, as defined.*

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17213 of the Education Code is
2 amended to read:

3 17213. The governing board of a school district may not
4 approve a project involving the acquisition of a schoolsite by a
5 school district, unless all of the following occur:

6 (a) The school district, as the lead agency, as defined in
7 Section 21067 of the Public Resources Code, determines that the
8 property purchased or to be built upon is not any of the
9 following:

10 (1) The site of a current or former hazardous waste disposal
11 site or solid waste disposal site, unless if the site was a former
12 solid waste disposal site, the governing board of the school
13 district concludes that the wastes have been removed.

14 (2) A hazardous substance release site identified by the
15 Department of Toxic Substances Control in a current list adopted
16 pursuant to Section 25356 of the Health and Safety Code for
17 removal or remedial action pursuant to Chapter 6.8 (commencing
18 with Section 25300) of Division 20 of the Health and Safety
19 Code.

20 (3) A site that contains one or more pipelines, situated
21 underground or aboveground, that carries hazardous substances,
22 acutely hazardous materials, or hazardous wastes, unless the

1 pipeline is a natural gas line that is used only to supply natural
2 gas to that school or neighborhood.

3 (b) The school district, as the lead agency, as defined in
4 Section 21067 of the Public Resources Code, in preparing the
5 environmental impact report or negative declaration has
6 consulted with the administering agency in which the proposed
7 schoolsite is located, pursuant to Section 2735.3 of Title 19 of the
8 California Code of Regulations, and with any air pollution
9 control district or air quality management district having
10 jurisdiction in the area, to identify permitted, nonpermitted, and
11 proposed facilities within that district's authority, including, but
12 not limited to, freeways and other busy traffic corridors, large
13 agricultural operations, and railyards, within one-fourth of a mile
14 of the proposed schoolsite, that might reasonably be anticipated
15 to emit hazardous air emissions, or to handle extremely
16 hazardous substances, hazardous substances, or hazardous waste.
17 The school district, as the lead agency, shall include a list of the
18 locations for which information is sought.

19 (c) (1) *Each administering agency, city, county, air pollution*
20 *control district, or air quality management district receiving*
21 *written notification from a lead agency to identify existing and*
22 *proposed facilities pursuant to subdivision (b) shall provide the*
23 *requested information and provide a written response to the lead*
24 *agency within 30 days after receiving the notification. The*
25 *environmental impact report or negative declaration shall be*
26 *conclusively presumed to comply with this section as to the area*
27 *of responsibility of any agency that does not respond within 30*
28 *days.*

29 (2) *If a school district, as a lead agency, has carried out the*
30 *consultation required under subdivision (b), the environmental*
31 *impact report or the negative declaration shall be conclusively*
32 *presumed to comply with this section, notwithstanding any*
33 *failure of the consultation to identify an existing or proposed*
34 *facility or other pollution source specified in subdivision (b).*

35 (e)

36 (d) The governing board of the school district makes one of
37 the following written findings:

38 (1) Consultation identified no existing or proposed facilities or
39 significant pollution sources specified in subdivision (b).

(2) The existing or proposed facilities or other pollution sources specified in subdivision (b) exist, but one of the following conditions applies:

(A) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school.

(B) The governing board finds that corrective measures required under an existing order by another governmental entity that has jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes this finding, the governing board shall also make a subsequent finding, prior to the occupancy of the school, that the emissions have been mitigated to these levels.

(C) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.

(D) The governing board finds that neither of the conditions set forth in subparagraph (B) or (C) can be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213. If the governing board makes this finding, the governing board shall adopt a statement of Overriding Considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

~~(d)~~

(e) As used in this section:

(1) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the

1 air pollution control officer for the jurisdiction in which the
2 project is located. As determined by the air pollution control
3 officer, hazardous air emissions also means emissions into the
4 ambient air from any substance identified in subdivisions (a) to
5 (f), inclusive, of Section 44321 of the Health and Safety Code.

6 (2) “Hazardous substance” means any substance defined in
7 Section 25316 of the Health and Safety Code.

8 (3) “Extremely hazardous substance” means any extremely
9 hazardous material defined pursuant to paragraph (2) of
10 subdivision (g) of Section 25532 of the Health and Safety Code.

11 (4) “Hazardous waste” means any waste defined in Section
12 25117 of the Health and Safety Code.

13 (5) “Hazardous waste disposal site” means any site defined in
14 Section 25114 of the Health and Safety Code.

15 (6) “Administering agency” means any agency designated
16 pursuant to Section 25502 of the Health and Safety Code.

17 (7) “Handle” means handle as defined in Article 1
18 (commencing with Section 25500) of Chapter 6.95 of Division
19 20 of the Health and Safety Code.

20 (8) “Facilities” means any source with a potential to use,
21 generate, emit or discharge hazardous air pollutants, including,
22 but not limited to, pollutants that meet the definition of a
23 hazardous substance, and whose process or operation is identified
24 as an emission source pursuant to the most recent list of source
25 categories published by the State Air Resources Board.

26 (9) *“Proposed facility” means a project where the proponent*
27 *has submitted an application to the administering agency, city,*
28 *county, air pollution control district, or air quality management*
29 *district with jurisdiction over the permit or approval.*

30 ~~(9)~~

31 (10) “Freeway or other busy traffic corridors” means those
32 roadways that, on an average day, have traffic in excess of
33 50,000 vehicles in a rural area as defined in Section 50101 of the
34 Health and Safety Code, and 100,000 vehicles in an urban area,
35 as defined in Section 50104.7 of the Health and Safety Code.

36 ~~SEC. 2. Section 65302 of the Government Code is amended~~
37 ~~to read:~~

38 ~~65302. The general plan shall consist of a statement of~~
39 ~~development policies and shall include a diagram or diagrams~~

1 and text setting forth objectives, principles, standards, and plan
2 proposals. The plan shall include the following elements:

3 (a) A land use element that designates the proposed general
4 distribution and general location and extent of the uses of the
5 land for housing, business, industry, open space, including
6 agriculture, natural resources, recreation, and enjoyment of
7 scenic beauty, education, public buildings and grounds, solid and
8 liquid waste disposal facilities, and other categories of public and
9 private uses of land. The land use element shall include a
10 statement of the standards of population density and building
11 intensity recommended for the various districts and other
12 territory covered by the plan. The land use element shall identify
13 areas covered by the plan which are subject to flooding and shall
14 be reviewed annually with respect to those areas. The land use
15 element shall also do both of the following:

16 (1) Designate in a land use category that provides for timber
17 production those parcels of real property zoned for timberland
18 production pursuant to the California Timberland Productivity
19 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
20 Part 1 of Division 1 of Title 5.

21 (2) Consider the impact of new growth on military readiness
22 activities carried out on military bases, installations, and
23 operating and training areas, when proposing zoning ordinances
24 or designating land uses covered by the general plan for land, or
25 other territory adjacent to military facilities, or underlying
26 designated military aviation routes and airspace.

27 (A) In determining the impact of new growth on military
28 readiness activities, information provided by military facilities
29 shall be considered. Cities and counties shall address military
30 impacts based on information from the military and other
31 sources.

32 (B) The following definitions govern this paragraph:

33 (i) "Military readiness activities" mean all of the following:

34 (I) Training, support, and operations that prepare the men and
35 women of the military for combat.

36 (II) Operation, maintenance, and security of any military
37 installation.

38 (III) Testing of military equipment, vehicles, weapons, and
39 sensors for proper operation or suitability for combat use.

1 (ii) ~~“Military installation” means a base, camp, post, station,~~
2 ~~yard, center, homeport facility for any ship, or other activity~~
3 ~~under the jurisdiction of the United States Department of Defense~~
4 ~~as defined in paragraph (1) of subsection (c) of Section 2687 of~~
5 ~~Title 10 of the United States Code.~~

6 (b) ~~A circulation element consisting of the general location~~
7 ~~and extent of existing and proposed major thoroughfares,~~
8 ~~transportation routes, terminals, any military airports and ports,~~
9 ~~and other local public utilities and facilities, all correlated with~~
10 ~~the land use element of the plan.~~

11 (c) ~~A housing element as provided in Article 10.6~~
12 ~~(commencing with Section 65580).~~

13 (d) ~~A conservation element for the conservation, development,~~
14 ~~and utilization of natural resources including water and its~~
15 ~~hydraulic force, forests, soils, rivers and other waters, harbors,~~
16 ~~fisheries, wildlife, minerals, and other natural resources. The~~
17 ~~conservation element shall consider the effect of development~~
18 ~~within the jurisdiction, as described in the land use element, on~~
19 ~~natural resources located on public lands, including military~~
20 ~~installations. That portion of the conservation element including~~
21 ~~waters shall be developed in coordination with any countywide~~
22 ~~water agency and with all district and city agencies that have~~
23 ~~developed, served, controlled or conserved water for any purpose~~
24 ~~for the county or city for which the plan is prepared.~~
25 ~~Coordination shall include the discussion and evaluation of any~~
26 ~~water supply and demand information described in Section~~
27 ~~65352.5, if that information has been submitted by the water~~
28 ~~agency to the city or county. The conservation element may also~~
29 ~~cover the following:~~

30 ~~(1) The reclamation of land and waters.~~

31 ~~(2) Prevention and control of the pollution of streams and~~
32 ~~other waters.~~

33 ~~(3) Regulation of the use of land in stream channels and other~~
34 ~~areas required for the accomplishment of the conservation plan.~~

35 ~~(4) Prevention, control, and correction of the erosion of soils,~~
36 ~~beaches, and shores.~~

37 ~~(5) Protection of watersheds.~~

38 ~~(6) The location, quantity and quality of the rock, sand and~~
39 ~~gravel resources.~~

40 ~~(7) Flood control.~~

~~The conservation element shall be prepared and adopted no later than December 31, 1973.~~

~~(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).~~

~~(f) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:~~

~~(1) Highways and freeways.~~

~~(2) Primary arterials and major local streets.~~

~~(3) Passenger and freight on-line railroad operations and ground rapid transit systems.~~

~~(4) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.~~

~~(5) Local industrial plants, including, but not limited to, railroad classification yards.~~

~~(6) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.~~

~~Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.~~

~~The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.~~

~~The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.~~

~~(g) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically~~

1 induced surface rupture, ground shaking, ground failure, tsunami,
2 seiche, and dam failure; slope instability leading to mudslides
3 and landslides; subsidence, liquefaction and other seismic
4 hazards identified pursuant to Chapter 7.8 (commencing with
5 Section 2690) of Division 2 of the Public Resources Code, and
6 other geologic hazards known to the legislative body; flooding;
7 and wild land and urban fires. The safety element shall include
8 mapping of known seismic and other geologic hazards. It shall
9 also address evacuation routes, military installations, peakload
10 water supply requirements, and minimum road widths and
11 clearances around structures, as those items relate to identified
12 fire and geologic hazards.

13 (1) Prior to the periodic review of its general plan and prior to
14 preparing or revising its safety element, each city and county
15 shall consult the Division of Mines and Geology of the
16 Department of Conservation and the Office of Emergency
17 Services for the purpose of including information known by and
18 available to the department and the office required by this
19 subdivision.

20 (2) To the extent that a county's safety element is sufficiently
21 detailed and contains appropriate policies and programs for
22 adoption by a city, a city may adopt that portion of the county's
23 safety element that pertains to the city's planning area in
24 satisfaction of the requirement imposed by this subdivision.

25 ~~SEC. 3.~~

26 *SEC. 2.* Section 21151.2 of the Public Resources Code is
27 amended to read:

28 21151.2. To promote the safety of pupils and comprehensive
29 community planning, the governing board of each school district
30 before acquiring title to property for a new schoolsite or for an
31 addition to a present schoolsite, shall give the planning
32 commission having jurisdiction notice in writing of the proposed
33 acquisition. The planning commission shall investigate the
34 proposed site and within 30 days after receipt of the notice shall
35 submit to the governing board a written report of the
36 investigation and its recommendations concerning acquisition of
37 the site, including any information included in an environmental
38 impact report or negative declaration as required pursuant to
39 Section 21151.8.

1 The governing board shall not acquire title to the property until
2 the report of the planning commission has been received. If the
3 report does not favor the acquisition of the property for a
4 schoolsite, or for an addition to a present schoolsite, and if the
5 governing board intends to proceed with the site acquisition, the
6 governing board of the school district shall provide in writing to
7 the planning commission an explanation for the site acquisition,
8 and shall not acquire title to the property until 30 days after the
9 response has been sent to the commission. *schoolsite, or for an*
10 *addition to a present schoolsite, the governing board of the*
11 *school district shall not acquire title to the property until 30 days*
12 *after the commission's report has been received.*

13 ~~SEC. 4.~~

14 SEC. 3. Section 21151.8 of the Public Resources Code is
15 amended to read:

16 21151.8. (a) An environmental impact report or negative
17 declaration may not be approved for any project involving the
18 purchase of a schoolsite or the construction of a new elementary
19 or secondary school by a school district unless all of the
20 following occur:

21 (1) The environmental impact report or negative declaration
22 includes information that is needed to determine if the property
23 proposed to be purchased, or to be constructed upon, is any of the
24 following:

25 (A) The site of a current or former hazardous waste disposal
26 site or solid waste disposal site and, if so, whether the wastes
27 have been removed.

28 (B) A hazardous substance release site identified by the
29 Department of Toxic Substances Control in a current list adopted
30 pursuant to Section 25356 of the Health and Safety Code for
31 removal or remedial action pursuant to Chapter 6.8 (commencing
32 with Section 25300) of Division 20 of the Health and Safety
33 Code.

34 (C) A site that contains one or more pipelines, situated
35 underground or aboveground, that carries hazardous substances,
36 acutely hazardous materials, or hazardous wastes, unless the
37 pipeline is a natural gas line that is used only to supply natural
38 gas to that school or neighborhood, or other nearby schools.

39 (D) A site that is within 500 feet of the edge of the closest
40 traffic lane of a freeway or other busy traffic corridor.

(2) The school district, as the lead agency, in preparing the environmental impact report or negative declaration has notified in writing and consulted with the administering agency in which the proposed schoolsite is located, pursuant to Article 1 (commencing with Section 2735.3) of Chapter 4.5 of Division 2 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify ~~both permitted and nonpermitted~~ *permitted, nonpermitted, and proposed* facilities within that district's authority, including, but not limited to, freeways and busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous emissions or handle extremely hazardous substances, hazardous substances, or hazardous waste. The notification by the school district, as the lead agency, shall include a list of the locations for which information is sought.

(3) The governing board of the school district makes one of the following written findings:

(A) Consultation identified no facilities of this type or other significant pollution sources specified in paragraph (2).

(B) The facilities or other pollution sources specified in paragraph (2) exist, but one of the following conditions applies:

(i) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.

(ii) Corrective measures required under an existing order by another agency having jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes a finding pursuant to this clause, it shall also make a subsequent finding, prior to occupancy of the school, that the emissions have been so mitigated.

(iii) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district

1 determines, through analysis pursuant to paragraph (2) of
2 subdivision (b) of Section 44360 of the Health and Safety Code,
3 based on appropriate air dispersion modeling, and after
4 considering any potential mitigation measures, that the air quality
5 at the proposed site is such that neither short-term nor long-term
6 exposure poses significant health risks to pupils.

7 (C) The facilities or other pollution sources specified in
8 paragraph (2) exist, but conditions in clause (i), (ii) or (iii) of
9 subparagraph (B) cannot be met, and the school district is unable
10 to locate an alternative site that is suitable due to a severe
11 shortage of sites that meet the requirements in subdivision (a) of
12 Section 17213 of the Education Code. If the governing board
13 makes this finding, the governing board shall adopt a statement
14 of Overriding Considerations pursuant to Section 15093 of Title
15 14 of the California Code of Regulations.

16 (4) Each administering agency, city, county, air pollution
17 control district, or air quality management district receiving
18 written notification from a lead agency to identify *existing and*
19 *proposed* facilities pursuant to paragraph (2) shall provide the
20 requested information and provide a written response to the lead
21 agency within 30 days of receiving the notification. The
22 environmental impact report or negative declaration shall be
23 conclusively presumed to comply with this section as to the area
24 of responsibility of any agency that does not respond within 30
25 days.

26 (b) If a school district, as a lead agency, has carried out the
27 consultation required by paragraph (2) of subdivision (a), the
28 environmental impact report or the negative declaration shall be
29 conclusively presumed to comply with this section,
30 notwithstanding any failure of the consultation to identify an
31 existing *or proposed* facility or other pollution source specified
32 in paragraph (2) of subdivision (a).

33 (c) As used in this section, the following definitions shall
34 apply:

35 (1) "Hazardous substance" means any substance defined in
36 Section 25316 of the Health and Safety Code.

37 (2) "Extremely hazardous substance" means any extremely
38 hazardous substance defined pursuant to paragraph (2) of
39 subdivision (g) of Section 25532 of the Health and Safety Code.

1 (3) “Hazardous waste” means any waste defined in Section
2 25117 of the Health and Safety Code.

3 (4) “Hazardous waste disposal site” means any site defined in
4 Section 25114 of the Health and Safety Code.

5 (5) “Hazardous air emissions” means emissions into the
6 ambient air of air contaminants that have been identified as a
7 toxic air contaminant by the State Air Resources Board or by the
8 air pollution control officer for the jurisdiction in which the
9 project is located. As determined by the air pollution control
10 officer, hazardous air emissions also means emissions into the
11 ambient air from any substances identified in subdivisions (a) to
12 (f), inclusive, of Section 44321 of the Health and Safety Code.

13 (6) “Administering agency” means an agency designated
14 pursuant to Section 25502 of the Health and Safety Code.

15 (7) “Handle” means handle as defined in Article 1
16 (commencing with Section 25500) of Chapter 6.95 of Division
17 20 of the Health and Safety Code.

18 (8) “Facilities” means any source with a potential to use,
19 generate, emit or discharge hazardous air pollutants, including,
20 but not limited to, pollutants that meet the definition of a
21 hazardous substance, and whose process or operation is identified
22 as an emission source pursuant to the most recent list of source
23 categories published by the State Air Resources Board.

24 (9) *“Proposed facility” means a project where the proponent*
25 *has submitted an application to the administering agency, city,*
26 *county, air pollution control district, or air quality management*
27 *district with jurisdiction over the permit or approval.*

28 (9)

29 (10) “Freeway or other busy traffic corridors” means those
30 roadways that, on an average day, have traffic in excess of
31 50,000 vehicles in a rural area, as defined in Section 50101 of the
32 Health and Safety Code, and 100,000 vehicles in an urban area,
33 as defined in Section 50104.7 of the Health and Safety Code.

34 ~~SEC. 5.~~

35 *SEC. 4.* If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made
38 pursuant to Part 7 (commencing with Section 17500) of Division
39 4 of Title 2 of the Government Code, except that no
40 reimbursement is required by this act pursuant to Section 6 of

1 Article XIII B of the California Constitution for those costs for
2 which a local agency or school district has the authority to levy
3 service charges, fees, or assessments sufficient to pay for the
4 program or level of service mandated by this act, within the
5 meaning of Section 17556 of the Government Code.

O